

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:04CR440
	)	
v.	)	
	)	
BRANDON PRAYER,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the court on the defendant's Rule 36 motion to amend the judgment, Filing No. 62. The defendant seeks to amend the order of restitution entered in this case. The defendant was ordered to "participate in the Bureau of Prisons' Financial Inmate Responsibility Program," and to "pay 50% of the available inmate institutional funds per quarter towards the criminal monetary penalty." He contends that it will be impossible for him to pay the restitution from his prison wages, which are 19¢ an hour.

Under the Federal Rules of Criminal Procedure, "the court may at any time correct a clerical error in the judgment." Fed. R. Civ. P. 36. There is no clerical error in the court's order of restitution. Accordingly,

IT IS ORDERED that the defendant's Rule 36 motion to amend the judgment is denied, without prejudice to reassertion once he is released in a motion to modify the terms of his supervised release.

DATED this 23rd day of February, 2011.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge